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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/691,981

10/23/2003

Ronald J. Tabar

55343US007

2467

32692 7590 02/27/2007  
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EXAMINER

VARGOT, MATHIEU D

ART UNIT

PAPER NUMBER

1732

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
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3 MONTHS

02/27/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 02/27/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

LegalUSDocketing@mmm.com  
LegalDocketing@mmm.com

## Office Action Summary

Application No.

10/691,981

Applicant(s)

TABAR ET AL.

Examiner

Mathieu D. Vargot

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

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1: The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merrill et al -948 (see also col. 13, lines 39-67), either alone, or further in view of Weber et al -794 (see col. 2, lines 12-24).

Merrill et al -948 is applied generally for reasons of record, the primary reference seen to disclose the basic claimed invention as already noted. Applicant has amended claim 1 to recite that the first surface layer is incorporated into an optical film such that the optical film has a higher gain than that of the first layer. Attention is directed to column 13, lines 39-67, wherein the primary reference teaches that a reflective polarizer "of the type described herein" would be combined with an absorbing polarizer to provide "good overall polarization efficiency". What Merrill et al -948 does not explicitly teach is that such a combination—ie, incorporation—would provide a polarizer with overall increased gain. However, it is submitted that such constitutes knowledge generally known in the art, since the two polarizers working in combination are well known to maximize the illumination, or amount of light—ie, gain—emitted from a backlit LCD screen. At any rate, Weber et al -794 has been additionally applied to teach exactly this aspect. See column 2, lines 12-24 therein. It certainly would have been obvious to one of ordinary skill in the art to employ a lamination or incorporation of a reflective polarizing film as taught in Merrill et al -948 with an absorbing polarizer to obtain a polarizer of increased

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gain and better illumination. It is respectfully submitted that the limitations of the dependent claims would have been obvious over Merrill et al –948, either alone, or further in view of Weber et al –794. Both references appreciate the fact that polarizers can be tailored as desired to meet various optical properties dependent on exactly what film layers make up the polarizer. Hence, it is within the skill level of the art to laminate various films with an eye to increasing the gain of the overall film. As basically admitted by applicant—see the instant specification, page 41, lines 13-16—such would constitute mere routine experimentation/optimization.

2. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

In view of the amendment, Merrill et al –948 has been applied either alone, or further with Weber et al –794. While certain particular limitations of dependent claims may not be explicitly taught in the prior art, it is respectfully submitted that these limitations are nevertheless still obvious. Dividing the first layer into multiple layers which are subsequently laminated to form a multilayer construction is submitted to have been obvious dependent on the overall gain desired for the film. So too would be assembling the first and second surface layers of Merrill et al –948 into a multilayer construction. Both of these layers would be reflective polarizers as taught in Example 1 of the primary reference, and would have been combined with an absorbing polarizer for better illumination.


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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mathieu D. Vargot whose telephone number is 571 272-1211. The examiner can normally be reached on Mon-Fri from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson, can be reached on 571 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Vargot  
February 20, 2007

  
Mathieu D. Vargot  
Primary Examiner  
Art Unit 1732

2/20/07